

GOVERNMENT OF TELANGANA  
ABSTRACT

Tribal Welfare Department – Telangana State – Erstwhile Warangal District – Issue of Local Scheduled Tribe Agency Area Certificates - Declared as not local Scheduled Tribe by the Collector & District Magistrate, Warangal vide Proc.No.C4/4513/2013 dated 18.07.2013 - Appeal filed by Maloth Soujanya D/o.Bojya R/o.Medapally (V), Nalabelly Mandal of Warangal District - Appeal Allowed – Orders – Issued.

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TRIBAL WELFARE (LTR) DEPARTMENT

G.O.Ms.No. 8

Dated: 12-05-2023

Read the following:-

1. Proceedings No.C4/4513/2013, dated 18.07.2013 O/o. the Collector & District Magistrate, Warangal.
2. Appeal petition filed by Maloth Soujanya D/o.Bojya R/o. Medapally (V), Nalabelly (M), Warangal District dated 19.08.2022.
3. Govt. Memo.No.1272/TW.LTR/2022-1, dated 30.09.2022.
4. Notice Appeal No.1272/TW.LTR/2022-2, dated 30.09.2022.
5. From the Collector & District Magistrate, Warangal letter Rc.No.C3/1970/2022, dated 17.10.2022.
6. From the Project Officer, ITDA, Eturnagaram, Mulugu District, Letter Rc.No.R3/284/DLSC/2022, dated 06.12.2022.

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ORDER:-

1. In the reference 1<sup>st</sup> read above, the Collector & District Magistrate, Warangal has cancelled the Local Scheduled Tribe Agency Area Certificate No.E/841/2007, dated 14.09.2007 of Smt. Maloth Soujanya D/o.Bojya R/o.Medapally (v), Nalabelly (M), erstwhile Warangal District issued by the Tahsildar, Nalabelly, for the following reasons:

- PO ITDA Eturnagaram had submitted detailed report through Lr.No.ITDA/1219/2012, dated 21.05.2013 requesting to cancel Local ST certificate of Maloth Soujanya D/o Bojya R/o Medapally (v), Nalabelly issued by Tahsildar, Nalabelly bearing No.E/841/2007, dated 14.09.2007 as she failed to submit any proof of her residence in Agency area since 1950 as per GO.Ms.No.3, SW (TW.Edn.II) Department, dated 10.01.2000.
- The individual attended before DLSC on 6.7.2013 and submitted explanation along with copies of certain documents in support of her claim of local ST candidature. She has submitted a simple sale deed pertaining to the year 1952 which was not certified. Another document she produced was Study & Date of Birth Certificate of her father pertaining to year 1962 which reflects that her fore-fathers not residing since 1950.
- According to GO.Ms.No.3, SW (TW.Edn.II) Department, dated 10.01.2000 "the local ST candidate means, the candidates belonging to scheduled tribe notified as such under Article 342 of the Constitution of India and the candidates themselves or their parents have been continuously residing in the scheduled areas of the district in which they are residents till to date since 26.01.1950".
- The applicant failed to produce any evidence to prove her continuous presence of themselves per their parents as stated above.

2. Aggrieved by the cancellation orders of the Collector & District Magistrate, Warangal District, in the reference 2<sup>nd</sup> read above, the Appellant Maloth Soujanya D/o.Bojya R/o.Medapally (v), Nalabelly (M), Warangal District has filed an Appeal before the Government with the following grounds:

- i) She belongs to ST Lambada community and native of Medapally village of Nalabelly Mandal in the erstwhile Warangal District by birth and has been living in the said village, which is a notified scheduled village as per the Presidential Order, 1950.

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- ii) The Tahsildar, Nallabelly after causing discrete enquiries about her local ST status, had issued her Agency Area Certificate bearing No.E/841/2007, dated 14.09.2007.
  - iii) She has been provisionally selected for the post of SGT in DSC 2012 vide Hall Ticket No.121112110101952 and also opted for posting to Government Primary School (TW) at Ramnaik Thanda under Ashram School, Seethanagar.
  - iv) She had submitted all the relevant documentary evidences in support of her claim that she belongs to Agency Area Local ST candidature, but the Collector & District Magistrate, Warangal had issued orders in Procs.No.C4/4513/2013, dated 18.07.2013 cancelling her Local ST Certificate No.E/841/2007, dated 14.09.2017 for the reason that the simple sale deed produced by her pertains to the year 1952 and it was not certified. The Study and Date of Birth Certificate of her father pertaining to the year 1962 was also not accepted concluding that she failed to prove continuous presence of her ancestors/parents.
  - v) She and her forefathers have been continuously living in Medapally agency village in Nallabelly Mandal of the present Warangal District (erstwhile Warangal District) even prior to 1950 onwards. They have immovable property i.e. agriculture land in the village since 1954-55 as per Khasra Pahani issued by the revenue authorities.
3. The Appellant Smt. Maloth Soujanya D/o.Bojya R/o.Medapally Village, Nallabelly Mandal, Warangal District has submitted the following documentary evidences in proof of her claim that she belongs to the local ST category of the Agency Area of Warangal District:
- i) Copies of certificates of educational qualifications i.e. SSC, Intermediate, D.Ed.
  - ii) Community and Date of Birth Certificate dated 12.12.2017 issued by the Tahsildar, Nallabelly certifying that she belongs to ST Lambada community and her Date of Birth is 2.6.1987.
  - iii) Local Scheduled Tribe Candidate Certificate bearing Rc.No.E/841/2007, dated 14.9.2007 issued by Tahsildar, Nallabelly Mandal, wherein it was certified that Malothu Soujanya D/o Malotu Bhojya and her parents have been residing in Medapally village of Nallabelly Mandal in Warangal District since 1950 which falls within the scheduled area (Part B States) Order, 1950.
  - iv) Local Scheduled Tribe Candidate Certificate bearing Rc.No.D/755/2018, dated 15.12.2018 issued by Tahsildar, Nallabelly Mandal, wherein it was certified that Malothu Soujanya D/o Bhojya, aged 30 years, Lambada belonging to Scheduled Tribe Sl.No.28 and her parents have been residing in Medapelly village, Nallabelly Mandal in Warangal District since 1950 which falls within the scheduled area (Part B States) Order, 1950.
  - v) Agency Area Local Scheduled Tribe Certificate bearing Rc.No.D/755/2018, dated 20.06.2019 issued by Tahsildar, Nallabelly Mandal, wherein it was certified that Maloth Soujanya D/o M.Bojya, age 31 years belongs to ST Lambadis ST community notified under Article 342 of the Constitution of India in the State of Telangana and herself, her parents/grand-parents have been continuously residing at Medapally village since 26.01.1950 which is a notified scheduled village as per Scheduled Areas (Part B States) Order, 1950.
  - vi) Family Tree duly inquired into by VRO and MRI of Nallabelly Mandal and certified by that Tahsildar, Nallabelly bearing Certificate No.D/755/2018, dated 20.06.2019, that Maloth Soujanya D/o Bojya and her parents

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R/o Medapally village of Nallabelly Mandal in Warangal District (Scheduled area) have been residing in Medapally village since 1950. Following is the Family Tree of Maloth Soujanya.

- Maloth Bhavusing is great grandfather. He has only one son namely Maloth Sajya i.e. grandfather of appellant Maloth Soujanya.
  - Her grandfather Sajya has three sons namely Mangya, Somla and Bhojya (father of appellant).
  - Maloth Bhojya (father of appellant) has four daughters namely Bhadramma, Balamma, Sandya, Soujanya (appellant) and one son viz., Balahussain.
- vii) Copy of sale agreement dated 30.11.1952 executed by Gyasuddin S/o Mohd Meera Mohinuddin R/o Medapally showing recitals of sale of 9 guntas land in favour of Maloth Sajya S/o Bhavusingh (i.e. grandfather of appellant).
- viii) Khasra Pahani 1954-55 – Medapally village – recorded the name of Maloth Sajya (grandfather of appellant) showing 1.00 acre land.
- ix) Pahani 1958-59 – Medapally village – recorded the name of Maloth Sajya (grandfather of appellant) showing 1.00 acre land.
- x) Pahani 2000-01 – Medapally village – recorded the name of Maloth Sajya (grandfather of appellant) showing 5.00 acres land.
- xi) Pattedar Pass Book No.18770 (Patta No.169) issued by Mandal Revenue Officer, Nallabelly Mandal, Warangal District showing an extent of acs.1.10 gts in Sy.No.22/43/B/13 in the name of Maloth Bhojya S/o Sajya (father of appellant).
- xii) Pahani for 1426 Fasli (year 2016) – Sy.No.22/43/B/13 shows acs.1.10 gts in the name of Maloth Bhojya (father of appellant) in Medapally village, Nallabelly Mandal, Warangal District.
- xiii) 1-B Namuna (ROR) dated 29.6.2019 – Medapally village – recorded an extent of ac.1.00 in Sy.No.22/43/B/1, acs.3.30 gts in Sy.No.22/43/B/10 and acs.1.10 gts in Sy.No.22/43/B/13 in the name of Maloth Bhojya (father of appellant).
- xiv) Pattedar Pass Book No.T22070190010 (Khata No.45) – Medapally village – Nallabelly Mandal showing ac.1.10 gts, ac.1.00 in Sy.No.22/43/B/1 (ceiling patta), acs.3.30 gts (patta) in Sy.No.22/43/B/10 and acs.1.10 gts (patta) in Sy.No.22/43/B/13 in the name of Maloth Bhojya (father of appellant).
- xv) Voter list for the year 1975 – 266 Narsampeta Assembly Constituency – Medapally village – Part No.17 – Sl.Nos.585, 586, 587 and 588 - names of Sajya S/o Bhavsingh (grandfather), Meli W/o Sajya (grandmother), Somla S/o Sajya (paternal uncle) and Mangya S/o Sajya (paternal uncle) were enrolled.
- xvi) Study, Conduct & Date of Birth Certificate issued by Gazetted Headmaster, ZPHS, Medapally, Nallabelly Mandal, District Warangal – certifying that Sri Maloth Bhojya S/o Sajya (father of appellant) was bonafide student of the school studied I class from 1962 to 1963 and his date of birth is 14.01.1956.

4. In the reference 3<sup>rd</sup> read above, the Collector & District Magistrate, Warangal and the Project officer, Eturunagaram have been requested to submit connected records documents pertaining to the case along with para-wise remarks.

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5. In the reference 4<sup>th</sup> read above, a Notice has been sent to the Appellant to attend for hearing on 22.10.2022 at 3.00 PM before the Government to prove her claim along with documentary evidences. Accordingly, the Appellant has attended for hearing on 22.10.2022 and submitted the following additional documents;

- i. Resolution of Gram Panchayat, Medapally, Nallabelly Mandal, Warangal District – wherein the Gram Panchayat has resolved that Maloth Soujanya and her ancestors have been continuously living in Medapally village of Nallabelly Mandal from before the year 1950. Her grandfather Sajya had purchased 9 guntas of land in 1952 from landlord Gyasuddin of the village and subsequently purchased some more land on the earnings accrued from cultivation. At present, there is an extent of 6 acres land in the name of Maloth Bhojya (father of appellant) which is recorded in the pahanies. Sri Maloth Bhojya (father of appellant) died in a road accident on 15.11.2020 near Gattamma temple.
- ii. PESA Gram Sabha Resolution of Medapally village – wherein it was resolved that Maloth Soujanya (appellant) and her parents/forefathers have been continuously living in Medapally village from before 1950.
- iii. Death Certificate bearing No.TSMSAA 55891290, dated 3.12.2020 issued by the Registrar of Births & Deaths, Warangal Municipal Corporation, Warangal Urban District wherein it was certified that Bojya Maloth, permanent resident of Medapally village, Nallabelly Mandal, Warangal District was expired on 15.11.2020.
- iv. Pahani 1965-66 – Medapally village - shows 1.00 acre land in the name of Maloth Sajya (grandfather of appellant).
- v. Pahani 1979-80 – Medapally village – shows 2.00 acres in Sy.No.22/43 in the name of Maloth Sajya (grandfather of appellant).
- vi. Pahani 1986-87 – Medapally village – shows 2.00 acres in Sy.No.22/42 in the name of Maloth Sajya (grandfather of appellant).
- vii. Pahani 1990-91 – Medapally village – shows 3.30 acres in Sy.No.22/42/29 in the name of Maloth Bhojya S/o Sajya (father of appellant).
- viii. Pahani 1997-98 – Medapally village - shows 5.00 acres in Sy.No.22/42 in the name of Maloth Bhojya S/o Sajya (father of appellant).
- ix. Pahani 2005-06 – Medapally village – shows 3.30 acres in Sy.No.22/42/29 and acs.1.10 in the name of Maloth Bhojya (father of appellant).

6. The Appellant Maloth Soujanya contended that all the above documents amply prove that she and parents/forefathers have been continuously residing in Medapally agency village in Nallabelly Mandal from before 1950, but the District Collector, Warangal and Project Officer, ITDA Eturunagaram did not consider her case for appointment to the post of SGT to which she has been provisionally selected and deprived of employment opportunity provided to the Agency Area Local ST candidates. Therefore, the Appellant prayed the Government to allow her Appeal in the interests of justice.

7. In the reference 6<sup>th</sup> read above, the the Project Officer, ITDA, Eturnagaram, Warangal District has submitted the copy of connected documents related to the present appeal petition of Maloth Soujanya.

8. Upon perusal of the documentary evidences produced by the Appellant Smt. Maloth Soujanya D/o.Bojya R/o.Medapally (V), Nallabelly (M), Warangal District i.e. Khasra pahani 1954-55, pahanies of other years, sale agreement dated 30.11.1952 showing purchase of 9 guntas land by grandfather of appellant Maloth Sajya from

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the village landlord Gyasuddin, voter list, Pattedar Pass Books issued by Tahsildar, Nallabelly, Study Certificate of father of appellant pertaining to the year of study i.e. 1962 at ZPHS Medapally, certification made by the VRO, MRI and Tahsildar, Nallabelly with regard to Family Tree and their continuous study in Medapally village, Gram Panchayat Resolution and PESA Gram Sabha Resolution etc. it is found that the Appellant Maloth Soujanya D/o Bhojya and her parents/ forefathers have been continuously living in Medapally, an agency village in Nallabelly Mandal of the present and erstwhile Warangal District.

9. Government after careful examination of the matter, hereby allow the Appeal filed by Smt. Maloth Soujanya D/o.Bojya R/o.Medapally (V), Nallabelly (M), Warangal District treating her Agency Area Local ST Certificate bearing No.E/841/2007, dated 14.09.2007 issued by the Tahsildar, Nallabelly Mandal as genuine and valid duly setting aside orders of the Collector & District Magistrate, erstwhile Warangal in the procs.No.C4/4513/2013, dated 18.07.2013.

10. The Collector and District Magistrate, Warangal District shall take further necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

Dr. CHRISTINA Z.CHONGTHU  
SECRETARY TO GOVERNMENT

To

The Collector and District Magistrate, Warangal District (By RPAD)  
Maloth Soujanya D/o.Bojya R/o.Medapally (V), Nallabelly (M),  
Warangal District. (By RPAD)

Copy to:-

The Secretary, Telangana State Public Service Commission,  
Hyderabad (for information & necessary action) (By RPAD)

The Project Officer, ITDA, Eturnagaram, Mulugul District (By RPAD)  
(for information & necessary action)

The District Educational Officer, Warangal. (By RPAD).  
(for information & necessary action)

The District Tribal Development Officer (TW), Warangal District (By RPAD)  
(for information & necessary action)

The Tahsildar, Nallabelly Mandal, Warangal District (By RPAD)

The P.S. to Hon'ble Minister for ST Welfare.

The PA to Secretary (TW).

The PA to Special Secretary (TW).

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//FORWARDED:: BY ORDER//

SECTION OFFICER